

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

DIGITAL MEDIA SOLUTIONS, LLC,	)	CASE NO. 1:19-cv-00145-DAP
	)	
Plaintiff,	)	JUDGE DAN AARON POLSTER
	)	
v.	)	MAGISTRATE JUDGE
	)	THOMAS M. PARKER
SOUTH UNIVERSITY OF OHIO, LLC	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

**MOTION FOR SANCTIONS AGAINST SAVE THE ART INSTITUTE OF LAS VEGAS  
LIMITED, WILLIAM TURBAY, TIM KELLY, RICHARD ROCK, AND DANIEL  
TAYLOR**

Mark E. Dottore, as Receiver for Dream Center Education Holdings, hereby moves this Court for an order issuing sanctions against Save The Art Institute of Las Vegas Limited, William Turbay, Tim Kelly, Richard Rock, and Daniel Taylor (hereinafter “Contemnors”), for their knowing and continuing refusal to abide by this Court’s lawful orders. Specifically, Contemnors have refused to abide by this Court’s order requiring they share an accounting demonstrating the receipt and use of funds by Save AI from March 28, 2019, onward.

As the Court may recall, the Receiver filed a Motion to Show Cause on July 16, 2020 (ECF Doc. 590), along with a Brief In Support (ECF Doc. 590-1). The Motion was premised on Contemnors’ series of misrepresentations made to the Receiver and the Court, and breach of contract to purchase the Art Institute of Las Vegas campus, as well as Contemnor’s violation of this Court’s order of July 26, 2020 (ECF. No. 405), which cost the Receivership Estate as much as \$1.7 million.

Later that day, this Court ordered Contemnors to file a response to the Receiver's motion on or before July 30, 2020, (ECF Doc. 591). Save AiLV's counsel then withdrew. In granting counsel's motion to withdraw, this Court extended the response date to the Receiver's motion. Of particular importance, however, the Order also set forth:

In order to prepare for the show cause hearing, the court further ORDERS Save AiLV and/or William Turbay, Tim Kelly, Richard Rook [sic] and Daniel Taylor to file an accounting of any and all receipts and disbursements of Save AiLV from March 28, 2019 forward. This accounting must be filed on or before 12:00 p.m., noon on August 10, 2020.

*See* ECF Doc. 595.

No accounting was filed (or provided to the Receiver) on or before August 10.

On August 7, Contemnors filed a motion for, and this Court granted, an extension of time for a response to the Motion To Show Cause (ECF Docs. 603 and 605). The Order granting the extension specified "Representatives for Save AiLV are directed to communicate and cooperate with the receiver and his counsel to locate any records needed to respond to the show cause motion." ECF Doc. 605. Naturally, no one from Save Ai reached out to the Receiver or counsel to discuss the fabled accounting (that Turbay said existed when the parties discussed the matter in July), or respond to the Receiver's inquiries.

On Wednesday, September 30, undersigned counsel sent a final message to Contemnors, demanding that they honor his Court's order and share a copy of the accounting demonstrating all receipts and use of funds from March 28, 2019, forward. A copy of the message is attached as Exhibit A. Not only did the recipients refuse to acknowledge the message, they further failed to provide the accounting this Court ordered be produced no later than August 10.

The parties are due to appear before the Court on October 21. While Contemnors have, time and time again, hurled wild and fanciful allegations regarding the Receiver, the truth of the matter will be found in large part within the accounting showing how Contemnors took in money that otherwise would have been paid to the Receivership Estate and used it to line their own pockets – not for the benefit of any students or staff. Contemnors are being haled before the Court for their failure to abide by an earlier judgment order. They cannot be allowed to continue to disrespect the Court and the process by refusing to provide an accounting – which they claimed in July existed and completely exonerated them.

Accordingly, the Receiver prays that this Motion be granted and that this Court issue an appropriate sanction against Save AiLV, and Messrs. Turbay, Kelly, Rock, and Taylor.

Dated: October 7, 2020

Respectfully submitted,

/s/ Hugh D. Berkson

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*Special Counsel for the Receiver*

**CERTIFICATE OF SERVICE**

The foregoing was electronically filed this 7<sup>th</sup> day of October, 2020. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Hugh D. Berkson

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